

Jahna M. Lindemuth
Alaska Bar No. 9711068
Scott M. Kendall
Alaska Bar No. 0405019
Holmes Weddle & Barcott, P.C.
701 West 8th Avenue, Ste. 700
Anchorage, AK 99501
Phone: 907.274.0666
Fax: 907.277.4657

Attorneys for Plaintiff Alaska State Hospital and Nursing Home Association

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

THIRD JUDICIAL DISTRICT AT ANCHORAGE

ALASKA STATE HOSPITAL AND
NURSING HOME ASSOCIATION, an
Alaska non-profit corporation,

Plaintiff,

v.

STATE OF ALASKA, DEPARTMENT
OF HEALTH AND SOCIAL
SERVICES,

Defendant.

Case No. 3AN-19-8244 CI

MOTION FOR EXPEDITED CONSIDERATION

Pursuant to Alaska R. Civ. P. 77(g), Plaintiff Alaska State Hospital and Nursing Home Association (“ASHNHA”) moves for expedited consideration of the Motion for Preliminary Injunction and Motion for Summary Judgment.

As discussed in Plaintiff’s Motion for Preliminary Injunction and the accompanying affidavits, members of ASHNHA face irreparable harm every day that

Motion for Expedited Consideration

Alaska State Hospital and Nursing Home Assoc. v. Dept. of Health and Social Services

Case No. 3AN-19-8244 CI

Page 1 of 3

the emergency regulations changing the rates of reimbursement for Medicaid stay in effect. Member organizations may have to lay off workers and restructure services in the very near term. As set forth in the Motion for Summary Judgment, the law is very clear that the Department of Health and Social Services cannot implement the emergency regulations or the proposed permanent regulations under both state and federal law. The two motions should be considered as one package, and considerations of both should be expedited.


Plaintiff has filed a proposed order herewith. Plaintiff proposes that the State respond to both motions within ten days of this Court granting expedited consideration, and ASHNHA will reply to those oppositions five days later. Plaintiff also respectfully requests that this Court expedite consideration of both motions by setting oral argument on both motions several days after the replies would be due.

I discussed this motion and the proposed schedule with Stacie Kraly, Counsel for DHSS. DHSS will respond to this Motion for Expedited Consideration on Monday, July 15, 2019, after reviewing the substantive motions.

By signing this motion, I certify that the above recitations are true and correct.

RESPECTFULLY SUBMITTED at Anchorage, Alaska this 12th day of July
2019.

HOLMES WEDDLE & BARCOTT, PC
Attorneys for Plaintiff Alaska State
Hospital and Nursing Home Association

By: 
Jahna M. Lindemuth
Alaska Bar No. 9711068
Scott M. Kendall
Alaska Bar No. 0405019

CERTIFICATE OF SERVICE

I hereby certify that on this 12th day of
July 2019, a true and correct copy
of the foregoing was sent to the following
via U.S. Mail and Email:

Stacie Kraly, Esq.
Lael Harrison, Esq.
Attorney General's Office
P.O. Box 110300
Juneau, AK 99811
stacie.kraly@alaska.gov
lael.harrison@alaska.gov


Brian Fontaine